



# Department of Planning, Housing, & Community Development

Mayor, Richard C. David  
Director, Jennie Skeadas-Sherry AICP

## Staff Report Series A Site Plan/Special Use Permit

**Planning Commission Meeting Date:** December 8, 2014  
**Address:** 123 Court Street  
**TM ID #:** 160.41-2-9  
**CASE NUMBER:** 2014-59  
**Zoning:** Downtown Business District (C-2)

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### REVIEW REQUESTED

This application would permit the conversion of a 12,000 square foot, four-story commercial building into a mixed use building containing ground floor commercial space with eight dwellings on the 2-4th floors with a total of 55 bedrooms. The proposed project requires a Series A Site Plan / Special Use Permit review by the Planning Commission since the project would result in more than five dwelling units and five of the units would have more than four bedrooms. The unit to bedroom breakdown is below:

<b>Suite Number</b>	<b>Number of bedrooms</b>
2A	4
2B	4
2C	7
2D	4
3A	4
3B	10
3/4C (2 level suite)	8
4A	4
4B	10
<b>Total: 9 units</b>	<b>Total: 55 beds</b>

### STAFF FINDINGS AND RECOMMENDATIONS

A trash and recycling management plan indicating the methods for interior garbage collection/ detention, the frequency of waste pickup and locations where activities shall occur should be submitted to the Planning Commission for the review and approval.

A revised site plan and/or floor plan indicating the location and method of bicycle parking should be submitted to the Planning Commission for review and approval.

The Planning Commission must determine:

1. If the requirements of Section 410-47 for a Series A Site Plan Review have been met.
2. If the general requirements as set forth in Section 410-40 for a Special Use Permit have been met.

### STANDARDS FOR APPROVAL OF SITE PLANS

Listed below are the Standards for approval of site plans found in Section 410.47. Planning Commission is guided by the existing characteristics and conditions of the site, its surroundings, and the particular requirements of the Applicant. Elements of concern include, but are not limited to the following:

- Movement of vehicles and people
- Public safety
- Off-street parking and service
- Lot size, density, setbacks, building size, coverage and height
- Landscaping, site drainage, buffering, views or visual character
- Signs, site lighting
- Operational characteristics
- Architectural features, materials and colors
- Compatibility with general character of neighborhood
- Other considerations that may reasonably be related to health, safety, and general welfare

In addition, the general requirements described in Section 410-40 must be complied with. The requirements for Section 410-40 are as follows:

1. That the land use or activity is designed, located, and operated so as to protect the public health, safety, and welfare.
2. That the land use or activity will encourage and promote a suitable and safe environment for the surrounding neighborhood and will not cause substantial injury to the value of other property in the neighborhood.
3. That the land use or activity will be compatible with existing adjoining development and will not adversely change the established character or appearance of the neighborhood.
4. That effective landscaping and buffering is provided as may be required by the Planning Commission. To this end, parking areas and lot areas not used for structures or access drives shall be improved with grass, shrubs, trees, and other forms of landscaping, the location and species of which shall be specified on the site plan.
5. That a site plan shall be approved in accordance with applicable provisions of Article IX of the Zoning Ordinance.
6. That adequate off-street parking and loading are provided in accordance with Article X of the Zoning Ordinance or other requirements as may be set forth in Section 806, and egress and ingress to parking and loading areas are so designed as to minimize the number of curbcuts and not unduly interfere with traffic or abutting streets.
7. That site development shall be such as to minimize erosion and shall not produce increased surface water runoff onto abutting properties.
8. That existing public streets and utilities servicing the project shall be determined to be adequate.

9. That significant existing vegetation shall be preserved to the extent practicable.
10. That adequate lighting of the site and parking areas is provided and that exterior lighting sources are designed and located so as to produce minimal glare on adjacent streets and properties.
11. That the land use or activity conforms with all applicable regulations governing the zoning district where it is to be located, and with performance standards set forth in Section 503 of the Zoning Ordinance, except as such regulations and performance standards may be modified by the Planning Commission or by the specific provisions of Section 806. Notwithstanding the above, the Planning Commission shall not be authorized to modify the land use regulations of the Zoning Ordinance.

## OTHER REVIEWS

The project is located within the boundaries of the Local Waterfront Revitalization Area (LWRP). The adaptive reuse of an existing building, in a historic district, is consistent with many policies of the LWRP. Additionally, the proposal is consistent with the LWRP as it develops new residential units in the downtown area.

The proposed project is located within 500 feet of a County owned facility. It is therefore subject to New York State Municipal Law 239 l and m which requires review by Broome County Department of Planning and Economic Development. The project was forwarded to the County on November 24, 2014.

Exterior alterations to the building will require review and approval by the Commission on Architecture and Urban Design.

## SITE REVIEW

The property known as 123 Court Street is located on north side Court Street between Chenango Street and Carrol Street. A four-story structure, facing Court Street, occupies the majority of the 12,283 square foot parcel. Land use in the vicinity of the subject property consists primarily of multi-story, mixed-use properties.

## PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

56-140 Court Street: An area variance of off-street parking requirements was granted to Hirsh and Mowry Realty in 1979.

140 Court Street: In 2014 the Planning Commission approved a Series A Site Plan/Special Use Permit to convert the 4th floor of an existing mixed-use building into one 4-bedroom residential unit and one 5-bedroom residential unit.

151 Court Street: A use variance to allow an automobile body shop in a C-2, Downtown Business District was approved in 2005.

174 Court Street: In 1980, the Planning Commission reviewed Doron Industry's Development Plan. Doron Industry had to submit an Environmental Assessment (EA) to the Broome Industrial Development Agency prior to project funding approval.

184 Court Street: The Zoning Board of Appeals granted a use variance to the Akel Realty Corporation in 1974 to allow a pre-existing building to be used for light manufacturing.

185 Court Street: In 1987, the Zoning Board of Appeals granted Wall to Wall Sound and Video a variance to allow three signs to be constructed on said property.

#### COMPREHENSIVE PLAN CONSISTENCY

The Comprehensive Plan identifies the creation of a mixed-use downtown as a key goal for economic development. Since this project would provide for a mixture of uses, it would be consistent with the Plan.

#### ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR Unlisted Action. The Planning Commission should be the lead agency to determine any environmental significance related to the site improvements.

1. Motion to determine what type of action:
  - a. Type I
  - b. Type II
  - c. **Unlisted**
2. Determine Lead Agency and other involved agencies.
3. After the Public Hearing, Determination of Significance. The Zoning Board of Appeals is responsible for completing Part 2 & Part 3 of the Environmental Assessment Form (EAF)— see below.

**SEQR Short EAF Part 1 – Project and Setting.** Part I has been provide by the project applicant.

**SEQR EAF Part 2 – Impact Assessment.** The Lead Agency (Planning Commission) is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the Planning Commission. When answering the questions the ZBA should be guided by the concept “Have our responses been reasonable considering the scale and context of the proposed action?”

	NO, OR SMALL IMPACT MAY OCCUR	MODERATE TO LARGE IMPACT MAY OCCUR
Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
Will the proposed action result in a change in the use or intensity of use of land?		
Will the proposed action impair the character or quality of the existing community?		
Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		

Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
Will the proposed action impact existing:  A. public / private water supplies?  B. public / private wastewater treatment utilities?		
Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
Will the proposed action result in an increase in the potential for erosion, flooding or drainage Problems?		
Will the proposed action create a hazard to environmental resources or human health?		

**EAF Part 3 - Determination of significance.** For every question in Part 2 that answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- If the Planning Commission determines that the proposed action may result in one or more potentially large or significant adverse impacts an environmental impact statement is required.
- The Planning Commission may issue a Negative Declaration if it is determined that the proposed action will not result in any significant adverse environmental impacts.

### ENCLOSURES

Enclosed are copies of the project plans, site photographs, and the application.